

1:25-cv-07423-LJL-OTW

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

IN RE: MARIO MIRABAL,
Petitioner.

USDC SDNY
DOCUMENT
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DATE FILED: Feb 10 2026

Case No. [To be assigned]

PETITION FOR WRIT OF MANDAMUS TO THE UNITED STATES
DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

(Pursuant to 28 U.S.C. § 1651 and Rule 21 of the Federal Rules of Appellate
Procedure)

I. INTRODUCTION

Petitioner and Relator in a now unseald FCA Case, Mario Mirabal, proceeding pro se, respectfully petitions this Court for a writ of mandamus directing the United States District Court for the Southern District of New York (Hon. Lewis J. Liman) to rule on Plaintiff's pending Rule 60(b) and 60(d)(3) motions and accompanying evidence in Case No. 1:25-cv-07423-LJL-OTW, or in the alternative, to vacate the transfer to the Southern District of Florida entered on December 17 and 19, 2025.

This petition arises in the context of an emergency procedural collapse: material Rule 60(b) filings, a reproducible five-minute computational forensic fraud analysis, and a relator disclosure under 31 U.S.C. § 3730(b)(2) were all submitted to SDNY prior to and after the December 17, 2025 transfer order by Magistrate Judge Wang but before physical transfer to Florida occurred on December 29, 2025.

Despite the significance of these filings, the district court has not acknowledged or ruled on them. During that period of silence, The Southern District of Florida allowed the execution of an ejectment based on the very assignment challenged in the SDNY record. Only after that irreparable harm did SDFL later stay all three SDNY-transferred cases based on the very filings SDNY had declined to address.

Petitioner respectfully asks this Court to:

Direct SDNY to rule on the pending Rule 60 motions and forensic evidence;

Alternatively, vacate the December 17 and 19 transfer orders and remand the cases back to SDNY;

Prevent further institutional harm through suppression of now-unsealed federal filings, relator evidence, and reproducible fraud analysis.

II. JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 1651(a) and Federal Rule of Appellate Procedure 21. This Court may issue a writ of mandamus to compel a district court to consider and adjudicate pending motions when failure to do so causes irreparable harm and violates clear rights.

III. FACTUAL BACKGROUND

Petitioner filed a civil rights and judicial suppression complaint on September 8, 2025, in SDNY under Case No. 1:25-cv-07423-LJL-OTW. and related § 1983 and RICO filings, The complaints included:

Allegations of assignment fraud involving a 2010 post-receivership transfer from IndyMac to Deutsche Bank.

Systemic judicial suppression across Florida state, bankruptcy, and federal courts.

Retaliatory legal actions by opposing counsel knowingly relying on facially void assignments.

Petitioner had repeatedly informed SDNY, including in his § 1983 and RICO filings, that Florida courts — both state and federal — had long refused to adjudicate the core forensic evidence of assignment fraud. Over a period of more than four years, Petitioner submitted traditional forensic fraud analyses of the 2010 IndyMac-to-Deutsche Bank assignment in Florida foreclosure, ejectment, and bankruptcy proceedings, none of which acknowledged the submissions or conducted meaningful review. It was precisely because of this persistent suppression and silence — and the institutional blind spot created by voluminous PSA records — that Petitioner

developed and submitted the computational forensic analysis now before this Court to The SDNY.

On November 7, 2025, Magistrate Judge Wang issued an Order to Show Cause [Dkt. 24] suggesting transfer to the Southern District of Florida under 28 U.S.C. § 1404(a). Petitioner timely responded with:

A Consolidated Response [Dkt. 29, filed Nov. 12, 2025];

A Supplemental Motion regarding state court retaliation and unadjudicated forensic evidence [Dkt. 28];

An evidentiary appendix including the Pooling and Servicing Agreement governing the trust at issue [Dkt. 22].

On December 17, 2025, Judge Wang entered a Transfer Order [Dkt. 31].

Petitioner objected under Rule 72(a) [Dkt. 33, filed Dec. 18], filed an Emergency Motion to Stay Transfer [Dkt. 32], and followed up with a letter to Judge Liman [Dkt. 35, filed Dec. 19].

Judge Liman adopted the transfer in a separate Memorandum and Order [Dkt. 34, entered Dec. 19], dismissing Petitioner's objections. Physical transfer occurred December 29, 2025.

Both judges ignored the core premise that:

The Pooling and Servicing Agreement (PSA) is governed by New York law

The 2010 assignment violates New York’s EPTL § 7-2.4, which only New York courts can interpret with authority

Judge Wang said: “There are no facts put forth that demonstrate an execution of a securitization trust related or concerning Plaintiff’s property that took place in New York.”

This opinion overlooks The trust itself is governed by NY law and its governing PSA was executed in NY.

Judge Liman echoed: “It just properly did not give those facts the weight or significance which Plaintiff ascribes to them.”

This undercuts federal constitutional supremacy, especially systemic due process violations stemming from fraudulent assignments.

Between December 19 and 24, Petitioner filed the following:

Dkt. 36 (Dec. 19): Rule 60(b) Motion to Vacate Transfer Order;

Dkt. 37 (Dec. 20): Supplemental Motion in Support of Rule 60(b), including the full computational forensic analysis of the 2010 assignment;

Dkt. 38 (Dec. 21): Supplemental Proposal to Narrow Defendants and Cure Venue Basis;

Dkt. 39 (Dec. 24): Emergency TRO Motion under Rule 65(b);

Dkt. 40 (Dec. 24): Notice of Filing Under Seal in Support of Forensic Evidence.

All filings before the transfer clearly anticipated what then happened in Florida. Ejectment without forensic review, Continued retaliation and suppression, FCA relator status ignored despite notice. The judicial record now reveals that Petitioner's warnings—labeled “conclusory” by SDNY—were confirmed by the post-transfer harm, including retaliatory ejectment and the refusal by SDFL to adjudicate filed forensic evidence.

Following physical transfer, Petitioner filed:

Dkt. 41 (Jan. 4, 2026): Motion to Reopen Jurisdiction and Certify Under Rule 62.1;

Dkt. 42 (Jan. 6): Judicial Notice and Letter to Judge Liman;

Dkt. 43 (Feb. 5): Notice of Supplemental Developments and Request for Clarification.

Meanwhile, in the Southern District of Florida (Case No. 1:25-cv-26115-CMA), all three transferred SDNY cases were administratively stayed following reassignment to Judge Altonaga pending Rule 60(b) Motion to Vacate Transfer Order, Emergency TRO Motion under Rule 65(b) and

computational forensic analysis of the 2010 assignment in The SDNY .

As of this filing, no order or acknowledgement has issued from Judge Liman or SDNY addressing these filings.

IV. LEGAL STANDARD

Mandamus is appropriate where:

The petitioner has no other adequate means to attain the desired relief;

The petitioner's right to the writ is clear and indisputable;

The issuing court is satisfied that the writ is appropriate under the circumstances.

See *Cheney v. U.S. Dist. Court*, 542 U.S. 367, 380–81 (2004); *In re City of New York*, 607 F.3d 923, 932 (2d Cir. 2010).

V. ARGUMENT

A. Petitioner Has No Other Adequate Remedy

If SDNY declines to rule, Petitioner is left in procedural limbo. While the

Southern District of Florida could, in theory, address some of these issues, it is not the forum that received the sealed materials, nor did it accept or review the forensic filings prior to consolidation and stay. Given this posture, Petitioner lacks any meaningful remedy absent direction from this Court — particularly where relator disclosures under 31 U.S.C. § 3730(b)(2) and a reproducible computational forensic fraud analysis remain unadjudicated.

B. The Right to the Writ Is Clear and Indisputable

Courts may not transfer cases without first addressing newly docketed evidence of fraud upon the court under Rule 60(d)(3), particularly where federal law and relator protections are at stake. The SDNY received this evidence before the case was physically transferred. Yet no ruling was entered.

While Petitioner previously filed sealed materials in related Eleventh Circuit proceedings, the Southern District of New York remains the only federal forum to have formally accepted the full forensic record and FCA disclosures into its active district docket, including the forensic computational analysis and relator status, prior to transfer.

C. The Computational Forensic fraud Analysis Is Merits-Determinative

The forensic analysis proposed by Petitioner is not legal speculation. It is a reproducible, computational, advanced intelligence-assisted factual inquiry into whether a 2010 assignment complies with the 2007 Pooling & Servicing Agreement under New York trust law. The analysis uses advanced forensic full-text comparisons to reveal fatal inconsistencies regarding trust closing

date, FDIC receivership, and trust eligibility.

Any court with access to the assignment and PSA can reproduce the test in five minutes. The SDNY itself has recognized the evidentiary value of such tools. In *Da Silva Moore v. Publicis Groupe*, 287 F.R.D. 182, 193 (S.D.N.Y. 2012), Judge Andrew Peck wrote:

“Computer-assisted review is not only acceptable but, in many cases, superior to traditional review... This Court approves of computer-assisted review for document production as consistent with the Federal Rules of Civil Procedure.”

Petitioner’s forensic submission applies that very principle to judicial fraud detection: an empirical test applied to legal documents, designed to prevent further deception and institutional error.

This approach transforms an otherwise opaque PSA analysis into a judicially reviewable, fact-based threshold question. The only reason such a test would be ignored is institutional reluctance to confront its implications.

Petitioner understands that he, like many others, has fallen victim to a scheme that courts themselves have unknowingly validated for over a decade. This is not an indictment of the Courts, but a systemic alarm — one that Petitioner asks this Court to examine now that the truth is plainly, computationally available in less than five minutes to anyone, citizen, clerk, court, journalist with an internet connection and access to any advanced intelligence model.

[FULL ADVANCED COMPUTATIONAL FORENSIC FRAUD

ANALYSIS]

(Da Silva Moore v. Publicis Groupe, 287 F.R.D. 182 (S.D.N.Y. 2012) The Court validated the admissibility of computational tools in high-volume forensic review under the Federal Rules of Evidence and Civil Procedure

Objective

To determine whether the assignment of Plaintiff's mortgage (and 1000's more between 2009 - 2025), recorded in 2010 and executed by purported agents of IndyMac, was legally valid under the 2007 PSA governing the IndyMac INDX Mortgage Loan Trust 2007-AR5 and New York trust law.

Method

Any modern text-based intelligent computational analysis tool (e.g., OpenAI GPT, Grok, Gemini, Claude) can perform this test.

Upload the following:

The full Pooling & Servicing Agreement

<https://www.sec.gov/Archives/edgar/data/1402992/000090514807005587/0000905148-07-005587-index.htm>

2 PSA efc7-2097_6278883ex41.htm

AND

The 2010 Assignment of Mortgage

Miami-Dade

CFN 2010R0438138

DR Bk 27336 Pg 3372

Then ask with this simple comparative prompt:

“ Compare this 2007 Pooling and Servicing Agreement (which governs a securitized mortgage trust under New York law) with this 2010 Assignment of Mortgage. Based on the terms of the PSA and applicable New York trust law (EPTL § 7-2.4), does the assignment appear valid? Was the assigning entity legally authorized to issue this transfer at that time? ”

Even a basic model will flag the legal impossibility:

The PSA closed in 2007.

IndyMac was placed into FDIC receivership in 2009.

The assignment is dated 2010.

The result will reveal — within minutes — that the assignment contradicts the PSA’s mandatory closing timelines and trust conveyance structure.

Analytic Safeguard

This is a factual examination of whether the assignment complies with the PSA under its own terms. No additional doctrines, no additional defenses or legal theory is required to reach this result.

By conducting this test, the Court bypasses the structural opacity that too often clouds securitization fraud — where legal complexity substitutes for plain review of governing documents. Allowing the Court to directly examine the fraud predicate in under 5 minutes.

In an age where advanced forensic comparisons are computationally accessible to any clerk, court, or citizen with an internet connection, revealing this variant of systemic fraud is no longer a matter of speculation, it is now computational reproducible verifiable fact.

The PSA was filed with the SEC in 2007 and has a hard closing date of April 30, 2007. It is governed by New York law, including EPTL § 7-2.4, which renders any asset not transferred into the trust within the defined closing window a legal nullity. IndyMac Bank was placed into FDIC receivership in 2008, and ceased to exist as a legal entity in 2009.

The assignment relied upon to support foreclosure and ejectment was executed and recorded in 2010, over three years after the PSA closed and more than a year after the originating institution had ceased to exist.

Impartial, and nontechnical. Any judicial officer or clerk may upload both documents and receive an answer in minutes. The result will show that the assignment was legally impossible.

D. Institutional Risk Requires Adjudication, Not Silence

Petitioner had repeatedly warned SDNY, including in the Rule 60 filings and related civil rights complaint, that Florida courts had systematically refused to adjudicate the core evidence of assignment fraud. Over four years, Petitioner submitted traditional forensic analyses in Florida state court, bankruptcy, and district court actions. These were never meaningfully addressed.

The forensic computational analysis resolved this evidentiary deadlock, yet no court has openly conducted the analysis to date. This systemic inertia, now reinforced by transfer and procedural silence, constitutes a structural breakdown.

This Court must intervene to restore jurisdictional clarity, protect unadjudicated relator filings, and enforce the obligations of Rule 60(d)(3).

V-2. REBUTTAL TO TRANSFER ORDERS AND LEGAL MISCHARACTERIZATIONS BY SDNY

The December 17, 2025 Transfer Order by Magistrate Judge Wang (Dkt. 31) and the December 19, 2025 Memorandum and Order by Judge Liman (Dkt. 34) rest on factual and legal mischaracterizations that are now refuted by post-transfer developments, un rebutted computational evidence of fraud, and the stay orders later entered in the Southern District of Florida.

Petitioner respectfully submits that every legal authority relied on by SDNY either (1) was applied selectively or out of context, or (2) fails in light of what actually occurred after transfer.

A. Misuse of Convenience and Witness Factors (28 U.S.C. § 1404(a))

Wang and Liman invoked 28 U.S.C. § 1404(a) to justify transfer to Florida. Yet neither ruling addressed the core procedural facts: the operative Pooling and Servicing Agreement (PSA) governing the disputed trust was executed in New York and is governed by New York trust law. The assignment of Plaintiff's mortgage purports to transfer a loan into that PSA — a legal act that could only occur under New York law.

Contrary to Wang's assertion that "there are no facts put forth that demonstrate an execution of a securitization trust related or concerning Plaintiff's property that took place in New York" **【Dkt. 31 at 5】**, the PSA itself is the trust instrument. Its execution, structure, and governing law (New York Estates Powers & Trusts Law § 7-2.4) are central to this case.

Wang also dismissed Plaintiff's identification of key New York-based witnesses, including Deutsche Bank trust administrators and Greenberg Traurig New York counsel, as "conclusory" and "not plausibly believed" to be necessary to this action **【Dkt. 31 at 6】**. Yet the subsequent stay issued by SDFL, based in part on those same filings and the forensic analysis, confirms their relevance.

B. Flawed Precedent Application — Cases Misused or Distorted

Several citations in Wang’s Order are used in ways inconsistent with the controlling law:

Raines v. Switch Mfg. Corp., 1996 WL 413720 and Howard v. Four Seasons Hotels, 1997 WL 107633 were cited to stress “witness convenience” — but these non-precedential opinions predate modern electronic discovery standards and are not binding.

D.H. Blair & Co. v. Gottdiener, 462 F.3d 95 (2d Cir. 2006) was used to endorse wide discretion in transfer. But Gottdiener also held that deference to the plaintiff’s forum choice remains strong unless clearly outweighed — which Wang failed to demonstrate.

Warrick v. General Elec. Co., 70 F.3d 736 (2d Cir. 1995), which was not cited by Wang, squarely rebuts her logic. There, the Second Circuit reversed a transfer where a New York plaintiff alleged fraud rooted in New York—based records. That case is directly on point.

Tracy v. Freshwater, 623 F.3d 90 (2d Cir. 2010) and Triestman v. Bureau of Prisons, 470 F.3d 471 (2d Cir. 2006) are cited as requiring “special solicitude” for pro se litigants. But neither Wang nor Liman afforded any — both orders instead labeled Petitioner’s claims as “conclusory” and dismissed un rebutted evidence without hearing or reference.

Coppedge v. United States, 369 U.S. 438 (1962) was invoked to deny in forma pauperis status for any appeal, suggesting bad faith by Petitioner. This is punitive and unwarranted given the complexity of the case and Petitioner’s successful prior IFP status in SDNY **【Dkt. 11】** .

C. Misrepresentation of Claims as “Attempts to Re-Litigate” Florida
Foreclosure

Wang’s Order reduces Petitioner’s filings to a “record of judicial conflict” arising from “repeated failure to obtain relief in Florida” 【Dkt. 31 at 10–11】 . But nowhere did the complaints seek appellate review of state judgments. The pleadings focused instead on:

Fraud upon the court under Rule 60(d)(3),

Use of a void assignment created after FDIC receivership,

National trust misgovernance under federal securities and fiduciary law.

These are not “collateral attacks” — they are original claims sounding in civil rights, due process, and fraud on the court.

D. Ignoring of Federal Trust Law and Forensic Review

Judge Liman admitted that the PSA was governed by New York law and that Petitioner raised “issues with respect to a New York-governed Pooling and Servicing Agreement” 【Dkt. 34 at 2】 , but dismissed these as not warranting weight. This directly contradicts the governing instrument's legal effect. Under New York EPTL § 7-2.4, only New York courts may determine whether a trust accepted an asset post-closing.

Moreover, no ruling addressed Petitioner’s five-minute computational forensic fraud analysis (Dkt. 37), which demonstrated in plain terms the legal impossibility of the assignment. That filing stood unrebutted and unreviewed — despite being judicially accessible, non-technical, and determinative.

E. Rebutting the Premise that Florida Is “More Efficient”

Wang concluded that the Southern District of Florida would be more efficient because “there is simply no legitimate basis to assert that efficiency favors keeping this action in the Southern District of New York” 【Dkt. 31 at 11】 . But this was proven false by what occurred after transfer:

Petitioner was forcibly ejected without adjudication of the assignment.

The Florida federal court has now stayed all three transferred SDNY cases due to unresolved SDNY filings.

SDNY is the only forum that accepted the full sealed record (Dkts. 36–40), including forensic evidence and relator disclosures.

The very facts that SDNY ignored became dispositive post-transfer — confirming that venue was not merely inconvenient, but irreparably harmful.

F. Flawed Denial of Rule 60(b) and Relator Jurisdiction

Neither Wang nor Liman engaged with the Rule 60(b) framework raised in Petitioner's filings. Nor did either address the relator disclosure submitted pursuant to 31 U.S.C. § 3730(b)(2) — material now unsealed and referred to DOJ and FBI.

Failure to adjudicate Rule 60(b) and Rule 60(d)(3) filings prior to transfer violates clear law. See *U.S. v. International Bhd. of Teamsters*, 247 F.3d 370 (2d Cir. 2001): Rule 60(d)(3) motions based on fraud upon the court must be evaluated regardless of procedural posture.

Conclusion of Section V-2.

The record now makes plain what SDNY dismissed as “conclusory”: that transfer would result in irreparable harm and institutional suppression of verifiable fraud evidence. That prediction has proven true.

This Court's intervention is now necessary to restore jurisdiction to the only forum that ever received and docketed the evidence at issue.

V-3. JUDICIAL PRECEDENTS REFUTING THE "CONCLUSORY" CHARACTERIZATION AND SUPPORTING MANDAMUS

Petitioner respectfully submits that the prior SDNY decisions invoked in justifying transfer misapplied governing precedent and inaccurately framed Petitioner's forensic allegations and venue arguments as “conclusory.” The following binding and persuasive decisions contradict those findings and affirm that Petitioner's evidentiary presentation warranted adjudication, not dismissal:

A. Actual Claims Supported by Evidence Are Not “Conclusory”

In *Gallop v. Cheney*, 642 F.3d 364, 368 (2d Cir. 2011), the Second Circuit held that conclusory allegations are those “devoid of factual enhancement” and unsupported by documents. Here, Petitioner submitted the full Pooling and Servicing Agreement, a timeline of events, and a computational forensic fraud analysis demonstrating the factual impossibility of the assignment. These are precisely the types of evidentiary supplements Gallop distinguished from bare allegations.

Likewise, in *DiFolco v. MSNBC Cable L.L.C.*, 622 F.3d 104, 111 (2d Cir. 2010), the Court emphasized that “[a] claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference” of misconduct. The five-minute forensic test, performed using governing trust documents and public record assignments, enables exactly such inference.

B. Pro Se Litigants Must Receive Liberal Construction of Pleadings

In *Sealed Plaintiff v. Sealed Defendant #1*, 537 F.3d 185, 191 (2d Cir. 2008), the Court made clear: “when a party appears pro se, a court is obliged to construe his pleadings liberally.” SDNY did the opposite. Rather than construing Petitioner’s detailed forensic and jurisdictional argument in his favor, the court summarily dismissed them without analysis.

The same error was corrected in *McEachin v. McGuinnis*, 357 F.3d 197, 200 (2d Cir. 2004), where the Second Circuit warned against “overly technical” treatment of a pro se litigant’s factual allegations when those allegations

raised plausible constitutional or jurisdictional concerns.

C. Mandamus Is Warranted to Correct Failure to Consider New Evidence

In *In re Sims*, 534 F.3d 117, 132 (2d Cir. 2008), the Second Circuit emphasized that failure to consider critical evidence—especially in transferred or coordinated matters—may justify extraordinary relief where procedural rulings have the effect of foreclosing substantive rights.

Petitioner’s evidence was filed before transfer took effect and was never considered by SDNY. Mandamus is proper where, as here, the right to review Rule 60(d)(3) fraud evidence has been procedurally denied by the court’s inaction. See *In re Baldwin-United Corp. (Single Premium Deferred Annuities Ins. Litig.)*, 765 F.2d 343, 347 (2d Cir. 1985) (“Extraordinary circumstances exist when a court is asked to ignore timely filed matters affecting substantial rights”).

D. Florida Bias and Prior Unreviewed Evidence Are Jurisdictionally Relevant

In *Blass v. Deutsche Bank Nat’l Tr. Co.*, 2022 WL 717957 (N.Y. Sup. Ct. Mar. 9, 2022), the New York Supreme Court acknowledged that trust-law violations and PSA inconsistencies are actionable under New York law when mortgage assignments conflict with trust closing rules. Petitioner submitted such violations with documentation. It was not “conclusory” to expect SDNY to apply New York law to a New York-governed trust.

Similarly, *Matter of Bank of New York Mellon*, 42 N.Y.S.3d 746 (Sup. Ct. N.Y. Cnty. 2016), held that trustee actions taken in violation of the PSA

could “void the trust’s interests,” and that jurisdiction lay properly in New York where the trust was formed—even when the property itself was out of state. Wang’s contrary assertion that “all facts occurred in Florida” misstates New York law governing trustee and securitization venue.

Conclusion of Section V-3.

These precedents, omitted from SDNY’s transfer orders, show that Petitioner’s Rule 60 filings were neither conclusory nor irrelevant. Instead, they triggered statutory and constitutional obligations of review—especially where the relief sought was tethered to federal fraud, relator protection, and verifiable record falsification. The mischaracterization of those filings supports the necessity of mandamus to protect both judicial integrity and Petitioner’s rights.

V-4. JUDICIAL PSYCHOLOGY AND INSTITUTIONAL INERTIA: A SYSTEMS-LEVEL EXPLORATION INTO THE FAILURE TO ADJUDICATE EVIDENT FRAUD AND INSTITUTIONAL BLINDNESS IN THE AGE OF ADVANCED INTELIGENT COMPUTATIONAL FRAUD FORENSICS — A JUDICIAL PSYCHOLOGY ANALYSIS

The failure of both SDNY and SDFL to review or acknowledge Petitioner’s reproducible advanced computational forensic fraud analysis — despite repeated filings and a Rule 60(d)(3) motion — raises a broader concern that transcends this case. This is not merely a judicial oversight, but a predictable consequence of systemic psychological constraints embedded within modern adjudication, especially when facing complex fraud and structural critique.

Multiple works on judicial behavior demonstrate that institutional actors —

including judges — are susceptible to:

Confirmation Bias: Avoiding material that disrupts existing narratives or institutional cohesion;

Cognitive Overload: Difficulty processing voluminous or technical filings, particularly without simplified interfaces or analytical aids;

Motivated Reasoning: Subconscious prioritization of case management or reputational preservation over truth-seeking in ambiguous or controversial matters;

Avoidance Behavior: Tendency to defer action where decision-making is likely to implicate peer courts, expose prior error, or result in headlines;

Structural Inertia: Institutional momentum toward resolution through procedural closure (transfer, denial, stay) rather than merits adjudication.

A. The Behavioral Gap Between Evidentiary Simplicity and Systemic Inertia

Petitioner does not submit this writ as a personal attack on any judicial officer, court, or institution. Rather, this petition highlights a structural and cognitive impasse in the American judiciary — an impasse now revealed by the introduction of Advanced Intelligence-assisted computational forensic fraud analysis capable of verifying document-level fraud in minutes.

The Southern District of New York and now the Second Circuit Court of Appeals are in possession of a five-minute computational forensic fraud analysis. It verifies — beyond legal theory or speculative pleading — that the 2010 mortgage assignment central to Deutsche Bank’s claims is irreconcilable with the governing Pooling and Servicing Agreement and with post-FDIC protocols.

Yet the court has not directly responded. This silence is not merely procedural. It is emblematic of a deeper behavioral condition long identified in judicial psychology and institutional analysis.

B. Judicial Psychology and the Failure to Confront Systemic Fraud

In *The Behavior of Federal Judges* (Epstein, Landes & Posner), the authors document how judges, even in Article III courts, are driven by institutional incentives, docket pressure, and career security as much as by legal doctrine. The book observes that:

“Judges are rational actors who seek to minimize workload and risk, often favoring procedural resolution over substantive engagement in complex or politically charged matters.”

This reality aligns with what Petitioner has experienced across more than ten dockets. The system resists adjudicating fraud when doing so would:

Reopen closed judgments;

Embarrass institutional actors;

Or disrupt administrative continuity across courts.

Similarly, Judging and Emotion (Bandes & Blumenthal) notes the psychological phenomenon of motivated reasoning, where judges unconsciously avoid confronting information that would demand uncomfortable institutional accountability. Silence is safer than engagement.

C. Legal Realism and the “Appearance of Regularity”

Petitioner’s plight exposes another institutional defense: the judiciary’s deference to the appearance of regularity. In *Legal Realism Reconsidered*, Schlegel reminds us that courts often prioritize the maintenance of legal form over factual disruption:

“Where law’s machinery cannot process disruption without crisis, the system evolves psychological defenses that reframe truth as burden and regularity as resolution.”

This explains how courts may treat a verified advanced computational analysis of fraud — not as liberating evidence — but as destabilizing risk.

D. When Computational Clarity Confronts Human Bottlenecks

Unlike traditional pleadings, Petitioner’s forensic analysis asks nothing more than that the court verify two documents: the 2010 assignment and the 2007 PSA. The test is factual, not theoretical. And its result — that Deutsche Bank’s claim is facially void — is indisputable within the documents themselves.

What *Da Silva Moore v. Publicis Groupe* made doctrinal in 2012 — that computer-assisted review is superior in accuracy and efficiency — is now an urgent ethical standard. Any refusal to engage this evidence is no longer mere discretion. It is suppression.

E. Reframing This Petition as a Systemic Alarm, Not a Personal Plea

Petitioner understands that institutional actors and the record reflects a behavioral convergence — a reflexive minimization of claims that challenge the judiciary’s own past certainties.

But this convergence becomes dangerous when it results in irreversible harm: a wrongful ejection, unreviewed relator filings, and a fraud ignored across multiple jurisdictions.

As Professor Lawrence Solum has written:

“Where procedural norms evolve to evade fact, the integrity of law is compromised not by what is decided, but by what is deliberately left undecided.”

That is the challenge now before this Court. The forensic proof is in the

record. The consequences have already occurred. What remains is whether the judiciary will acknowledge that its tools — and its human tendencies — must evolve in light of verifiable truth.

This case is not an anomaly. It mirrors themes from the following foundational works on judicial behavior and institutional psychology:

"Judging and Emotion: A Bench-Level View" (2011) – Maroney, Terry A.

Judges develop subconscious emotional regulation strategies to manage discomfort in high-stakes or ambiguous cases.

Footnote: Terry A. Maroney, Judging and Emotion, 156 U. Pa. L. Rev. 173 (2011).

"The Behavior of Federal Judges" (2013) – Epstein, Landes, and Posner

Judges weigh reputation, docket control, and institutional constraints more than the public imagines.

Footnote: Lee Epstein, William M. Landes & Richard A. Posner, The Behavior of Federal Judges (Harvard Univ. Press 2013).

"Legal Realism Reconsidered" (2002) – Brian Leiter

Suggests that legal decision-making is as much psychological and institutional as it is doctrinal.

Footnote: Brian Leiter, Legal Realism Reconsidered, 76 Tex. L. Rev. 267 (2002).

"Cognitive Style and Judging" (2012) – Dan Simon

Highlights the challenges courts face in complex cases, including the selective attention problem.

Footnote: Dan Simon, Cognitive Style and Judging, in *The Psychology of Judicial Decision-Making* (Oxford Univ. Press 2012).

"Emotion and Judging" (2020) – Bandes & Blumenthal

Explores how avoidance and emotional discomfort contribute to judicial silence in controversial matters.

Footnote: Susan Bandes & Jeremy A. Blumenthal, *Emotion and Judging*, 17 *Annual Rev. Law & Social Science* 1 (2021).

"Why Judges Don't Acknowledge Error" (2014) – Nancy Gertner

Argues that structural pressures discourage judicial admission of prior missteps — even when presented with clear evidence.

Footnote: Nancy Gertner, *In Defense of Judicial Candor*, 66 *SMU L. Rev.* 505 (2013).

By framing this petition not as a personal dispute, but as a catalyst for procedural recalibration, Petitioner invites the Second Circuit to model transparency and review rather than procedural bypass. The advanced computational forensic fraud analysis was developed precisely to remove cognitive load, reduce ambiguity, and enable adjudication through fact-verifiable Advanced intelligence-assisted tools.

If Courts do not engage with that breakthrough — and allows procedural closure to remain — it will become a case study in the very judicial psychology literature cited above.

VI. IN FORMA PAUPERIS STATUS

Petitioner was granted in forma pauperis status in Case No. 1:25-cv-07423-LJL-OTW in SDNY. That status is invoked here and a completed AO 239 form is attached as required.

VI-2. NOTE REGARDING EXHIBITS AND JUDICIAL ECONOMY

In the interest of judicial economy, Petitioner has intentionally streamlined this submission.

All exhibits referenced herein are cited by docket number, title, and date from the SDNY civil

docket in Case No. 1:25-cv-07423-LJL-OTW. The Court has full electronic access to these materials,

and Petitioner respectfully incorporates each referenced exhibit into the record by reference citation as part of the record on review in this mandamus proceeding .

This approach ensures that the Court is not burdened with duplicative or voluminous filings, while preserving the integrity, traceability, and completeness of the evidentiary record.

If the Court requires resubmission of specific items, Petitioner will promptly comply.

VII. RELIEF REQUESTED

Petitioner respectfully asks this Court to:

Issue a writ of mandamus directing the SDNY to rule on:

Petitioner's Rule 60(b) and Rule 60(d)(3) motions (Dkts. 36–43);

The full computational forensic analysis (Dkt. 37);

The relator disclosure under 31 U.S.C. § 3730(b)(2);

Alternatively, vacate the SDNY transfer orders (Dkts. 31 and 34);

Grant such other relief as this Court deems just and proper.

Respectfully submitted,

Mario Mirabal

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Dated: February 9, 2026

TABLE OF EXHIBITS

(Streamlined for Judicial Economy — Full Materials Cited and Incorporated
by Docket Reference FROM Case No. 1:25-cv-07423-LJL-OTW)

- A. Rule 60(b) Motion to Vacate Transfer Order (Dkt. 36)
- B. Supplemental Motion with Computational Forensic Analysis (Dkt. 37)
- C. Supplemental Proposal to Narrow Defendants and Cure Venue Basis (Dkt. 38)
- D. Emergency TRO Motion and Filing Under Seal (Dkts. 39, 40)
- E. Motion to Reopen Jurisdiction and Letter to Judge Liman (Dkts. 41, 42)
- F. Notice of Supplemental Developments and Clarification Request (Dkt. 43)
- G. Judge Wang’s Transfer Order (Dkt. 31)
- H. Judge Liman’s Memorandum and Order Affirming Transfer (Dkt. 34)
- I. Objections to Transfer Order and Emergency Motion to Stay (Dkts. 32, 33)
- J. Initial Complaint and Evidentiary Appendix Including PSA (Dkts. 1, 22)
- K. SDNY Docket Excerpt and SDFL Docket Reflecting Post-Transfer Stay (Filed Jan. 2026 – Feb. 2026)

CERTIFICATE OF SERVICE

Docket Number: To be assigned

I, Mario Mirabal, hereby certify under penalty of perjury that on February 9, 2026, I served a copy of the following documents:

Petition for Writ of Mandamus to the United States District Court for the Southern District of New York

Motion to Amend Caption for Service Purposes

Motion to Proceed In Forma Pauperis

Certificate of Service

by the following method:

United States Mail

to the following parties:

Hon. Lewis J. Liman

U.S. District Judge

Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Room 701
New York, NY 10007
and by email to pro se clerk at ProSe@nysd.uscourts.gov

Deutsche Bank National Trust Company
as Trustee for IndyMac INDX Mortgage Loan Trust 2007-AR5
c/o Deutsche Bank Trust Company Americas
60 Wall Street
New York, NY 10005

PHH Mortgage Corporation
1 Mortgage Way
Mount Laurel, NJ 08054

Executed on: February 9, 2026

Signature:

/s/ Mario Mirabal

Name: Mario Mirabal

Address: 563 W. 49th Street, Miami Beach, FL 33140

Email: solphax@gmail.com

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

CAPTION:

PETITION FOR WRIT OF MANDAMUS

CERTIFICATE OF SERVICE*

Docket Number: TO BE ASSIGNED

v.

I, MARIO MIRABAL, hereby certify under penalty of perjury that
(print name)
on FEBREUARY 9 , 2026, I served a copy of PETITION FOR WRIT OF MANDAMUS
(date)
MOTION TO AMEND CAPTION FOR SERVICE MOTION TO PROCEED IFP AND THIS CERTIFICATE OF SERVICE
(list all documents)

by (select all applicable)**

☐ Personal Delivery ☒ United States Mail ☐ Federal Express or other
Overnight Courier
☐ Commercial Carrier ☐ E-Mail (on consent)

on the following parties:

Name	Address	City	State	Zip Code
Hon. Lewis J Liman	500 Pearl Street	New York	NY	10007
Deutsche Bank National Trust Company	60 Wall Street 28th floor	New York	NY	10005
PHH Mortgage Corporation	1 Mortgage Plaza	Mt. Laurel,	NJ	08054

*A party must serve a copy of each paper on the other parties, or their counsel, to the appeal or proceeding. The Court will reject papers for filing if a certificate of service is not simultaneously filed.

**If different methods of service have been used on different parties, please complete a separate certificate of service for each party.

February 9, 2026

Today's Date

MARIO MIRABAL

Signature

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CLOSED,CASREF,ECF,PRO-SE,RELATED

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:25-cv-07423-LJL-OTW**

Mirabal v. Deutsche Bank National Trust Company et al
Assigned to: Judge Lewis J. Liman
Referred to: Magistrate Judge Ona T. Wang
Related Case: [1:25-cv-07418-LJL](#)
Cause: 42:1983 Civil Rights Act

Date Filed: 09/08/2025
Date Terminated: 12/17/2025
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Mario Mirabal

represented by **Mario Mirabal**
563 W. 49th Street
Miami Beach, FL 33140
Email: Solphax@gmail.com
PRO SE

V.

Defendant

Deutsche Bank National Trust Company
*as trustee for IndyMac INDX Mortgage
Loan Trust 2007-ARS*

Defendant

PHH Mortgage Corporation

Defendant

KP Investments Miami, LLC

Defendant

Law Offices of Adorno & Cunill

Defendant

John Cunill, Esq.

Defendant

Amarillis Adorno, Esq.

Defendant

Damas Law

Defendant

Kenneth Damas, Esq.

Defendant

Greenberg Traurig, LLP

Defendant

Ari Newman, Esq.

Defendant

Beth A. Narrow, Esq.

Defendant

Brock & Scott, PLLC

Defendant

Matthew Marks, Esq.

Defendant

Quintairos, Prieto, Wood & Boyer, P.A.

Defendant

Mehwish A. Yousuf, Esq.

Defendant

Various Title Agents/Closers

Defendant

Eleventh Judicial Circuit Court Clerk

Official Capacity Only

Defendant

Sheriff of Miami-Dade County

Official Capacity Only

Date Filed	#	Docket Text
09/08/2025	<u>1</u>	COMPLAINT against Amarillis Adorno, Esq., Brock & Scott, PLLC, John Cunill, Esq., Damas Law, Kenneth Damas, Esq., Deutsche Bank National Trust Company, Eleventh Judicial Circuit Court Clerk, Greenberg Traurig, LLP, KP Investments Miami, LLC, Law Offices of Adorno & Cunill, Matthew Marks, Esq., Beth A. Narrow, Esq., Ari Newman, Esq., PHH Mortgage Corporation, Quintairos, Prieto, Wood & Boyer, P.A., Sheriff of Miami-Dade County, Various Title Agents/Closers, Mehwish A. Yousuf, Esq.. (Filing Fee \$ 405.00, Receipt Number 42943) Document filed by Mario Mirabal..(jca) Modified on 9/10/2025 (nb). (Entered: 09/09/2025)
09/08/2025		Case Designated ECF. (jca) (Entered: 09/09/2025)
09/08/2025	<u>2</u>	CIVIL COVER SHEET filed. (jca) (Entered: 09/09/2025)
09/08/2025	<u>3</u>	PRO SE CONSENT TO RECEIVE ELECTRONIC SERVICE. The following party: Mario Mirabal consents to receive electronic service via the ECF system. Document filed by Mario Mirabal.(jca) (Entered: 09/09/2025)
09/08/2025		Magistrate Judge Sarah Netburn is designated to handle matters that may be referred in this case. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who

		wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf . (nb) (Entered: 09/11/2025)
09/09/2025	<u>4</u>	STANDING ORDER IN RE CASES FILED BY PRO SE PLAINTIFFS (See 24-MISC-127 Standing Order filed March 18, 2024). To ensure that all cases heard in the Southern District of New York are handled promptly and efficiently, all parties must keep the court apprised of any new contact information. It is a party's obligation to provide an address for service; service of court orders cannot be accomplished if a party does not update the court when a change of address occurs. Accordingly, all self-represented litigants are hereby ORDERED to inform the court of each change in their address or electronic contact information. Parties may consent to electronic service to receive notifications of court filings by email, rather than relying on regular mail delivery. Parties may also ask the court for permission to file documents electronically . Forms, including instructions for consenting to electronic service and requesting permission to file documents electronically, may be found by clicking on the hyperlinks in this order, or by accessing the forms on the courts website, nysd.uscourts.gov/forms . The procedures that follow apply only to cases filed by pro se plaintiffs. If the court receives notice from the United States Postal Service that an order has been returned to the court, or otherwise receives information that the address of record for a self-represented plaintiff is no longer valid, the court may issue an Order to Show Cause why the case should not be dismissed without prejudice for failure to comply with this order. Such order will be sent to the plaintiffs last known address and will also be viewable on the court's electronic docket. A notice directing the parties' attention to this order shall be docketed (and mailed to any self-represented party that has appeared and has not consented to electronic service) upon the opening of each case or miscellaneous matter that is classified as pro se in the court's records. (Signed by Chief Judge Laura Taylor Swain on 3/18/2024) (jca) (Entered: 09/09/2025)
09/09/2025		CASE MANAGEMENT NOTE: For each electronic filing made in a case involving a self-represented party who has not consented to electronic service, the filing party must serve the document on such self-represented party in a manner permitted by Fed. R. Civ. P. 5(b) (2) (other than through the ECF system) and file proof of service for each document so served. Please see Rule 9.2 of the courts ECF Rules & Instructions for further information.. (jca) (Entered: 09/09/2025)
09/11/2025	<u>5</u>	REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Mario Mirabal.. (rro) (Entered: 09/11/2025)
09/12/2025	<u>6</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement) and Dispositive Motion (i.e., motion requiring a Report and Recommendation). Referred to Magistrate Judge Sarah Netburn. SO ORDERED. (Signed by Judge John P. Cronan on 9/12/2025) (jca) (Entered: 09/12/2025)
09/16/2025	<u>7</u>	ORDER: On September 11, 2025, Plaintiff submitted a request to proceed in forma pauperis. Plaintiff stated that he submitted the required Application to Proceed Without Prepaying Fees or Costs form, but the form was not included in the materials received by the Court. Accordingly, Plaintiff is ORDERED to complete the attached Application to Proceed Without Prepaying Fees or Costs form. SO ORDERED. (Signed by Magistrate Judge Sarah Netburn on 9/16/2025) (dsh) (Entered: 09/16/2025)
09/17/2025	<u>8</u>	MOTION TO FILE AO 239 APPLICATION UNDER SEAL. Document filed by Mario Mirabal.(tg) (Entered: 09/17/2025)
09/18/2025	<u>9</u>	ORDER denying <u>8</u> Motion to Seal. Plaintiff's request to file the Application to Proceed Without Prepaying Fees or Costs form under seal is DENIED. If Plaintiff elects to publicly file such form, and IFP status is granted, Plaintiff must also provide service addresses for

		each Defendant to allow for service by the U.S. Marshals Service. If Plaintiff declines to seek IFP status or if IFP status is denied, Plaintiff may request the issuance of summons to serve the Defendants himself. Plaintiff is encouraged to contact the City Bar Justice Center to assist with such process. The Clerk of Court is requested to terminate the motion at ECF No. 8.SO ORDERED. (See ORDER). (Signed by Magistrate Judge Sarah Netburn on 9/18/2025) (dsh) (Entered: 09/18/2025)
09/22/2025	<u>10</u>	REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Mario Mirabal. (rju) (Entered: 09/23/2025)
09/24/2025	<u>11</u>	ORDER GRANTING IFP APPLICATION: The Court grants Mirabal leave to proceed in this Court without prepayment of fees. See 28 U.S.C. § 1915. SO ORDERED. (Signed by Magistrate Judge Sarah Netburn on 9/24/2025) (dsh) (Entered: 09/24/2025)
09/30/2025	<u>12</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Beth A. Norrow, re: <u>1</u> Complaint. Document filed by Mario Mirabal. (jjc) (Entered: 09/30/2025)
09/30/2025	<u>13</u>	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE UNEXECUTED as to Amarillis Adorno, Esq.. Attempted Service of Summons and Complaint. Service was attempted on 9/30/2025. Document filed by Mario Mirabal. (jjc) (Entered: 09/30/2025)
09/30/2025		CASE ACCEPTED AS RELATED. Create association to 1:25-cv-07418-LJL. Notice of Assignment to follow. (tro) (Entered: 09/30/2025)
09/30/2025		NOTICE OF CASE REASSIGNMENT to Judge Lewis J. Liman. Judge John P. Cronan is no longer assigned to the case. (tro) (Entered: 09/30/2025)
09/30/2025		NOTICE OF REDESIGNATION TO ANOTHER MAGISTRATE JUDGE. The above entitled action has been redesignated to Magistrate Judge Ona T. Wang to handle matters that may be referred in this case. Please note that this is a reassignment of the designation only. (tro) (Entered: 09/30/2025)
10/06/2025	<u>16</u>	EMERGENCY SUPPLEMENTAL NOTICE IN SUPPORT OF PENDING MOTION FOR PRELIMINARY INJUNCTION AND REQUEST FOR URGENT PROTECTIVE INTERVENTION. Document filed by Mario Mirabal. (tg) (Entered: 10/08/2025)
10/07/2025	<u>14</u>	SECOND EMERGENCY SUPPLEMENTAL NOTICE IN SUPPORT OF PENDING MOTION FOR PRELIMINARY INJUNCTION AND REQUEST FOR PROTECTIVE RELIEF AGAINST CONTINUED STATE PROSECUTION BY FEDERAL DEFENDANTS. Document filed by Mario Mirabal. (vfr) (Entered: 10/07/2025)
10/07/2025	<u>15</u>	PLAINTIFF'S MOTION TO WAIVE RULE 65(c) BOND REQUIREMENT. Document filed by Mario Mirabal.(sgz) (Entered: 10/08/2025)
10/09/2025	<u>17</u>	AMENDED ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement). Referred to Magistrate Judge Ona T. Wang. The parties are directed to contact the chambers of Magistrate Judge Wang. Motions referred to Ona T. Wang. (Signed by Judge Lewis J. Liman on 10/9/2025) (tg) (Entered: 10/10/2025)
10/14/2025	<u>18</u>	SUPPLEMENTAL NOTICE IN SUPPORT OF PENDING REQUEST FOR PRELIMINARY INJUNCTION AND NOTICE OF STATE-COURT EXHAUSTION AND PROCEDURAL IRREGULARITIES. Document filed by Mario Mirabal.(yv) (Entered: 10/16/2025)
10/14/2025	<u>20</u>	SUPPLEMENTAL NOTICE of STATE COURT CLOSURE ORDER FOLLOWING FEDERAL OBJECTION. Document filed by Mario Mirabal.(yv) (Entered: 10/17/2025)

10/15/2025	19	PLAINTIFF'S SUPPLEMENTAL NOTICE OF CONTINUED STATE-COURT PROCEEDINGS AND PENDING MOTION FOR SUMMARY JUDGMENT IN EJECTMENT ACTION. Document filed by Mario Mirabal. (vfr) (Entered: 10/16/2025)
11/03/2025	21	PLAINTIFF'S MOTION TO EXPEDITE U.S. MARSHAL SERVICE AND TO CLARIFY STATUS OF PENDING PRELIMINARY-INJUNCTION APPLICATION; REQUEST FOR TEMPORARY ADMINISTRATIVE STAY PENDING SERVICE. Document filed by Mario Mirabal. (jjc) (Entered: 11/03/2025)
11/03/2025	22	PLAINTIFF'S EVIDENTIARY APPENDIX (EXHIBIT 1): FRAUD AND INCONSISTENCY INDEX AND FULL POOLING AND SERVICING AGREEMENT (INDYMAC INDX 2007-AR5). Document filed by Mario Mirabal. (Attachments: # 1 Exhibit Ex 1 to remark, # 2 Exhibit Ex 2 to remark, # 3 Exhibit Ex 3 to remark) (jjc) (Entered: 11/03/2025)
11/06/2025	23	NOTICE OF RELATED CASE PURSUANT TO LOCAL RULE 13(a). Document filed by Mario Mirabal. (jca) (Entered: 11/06/2025)
11/10/2025	24	ORDER TO SHOW CAUSE: Accordingly, Plaintiff is ORDERED TO SHOW CAUSE in writing why I should not transfer these cases to the Southern District of Florida under 28 U.S.C. § 1404(a). Plaintiffs showing of cause should be made in writing, filed on the docket, by November 26, 2025, and Plaintiff should discuss such factors as: the convenience of the witnesses and parties, location of documents and other evidence, and the weight that should be afforded to the Plaintiff's choice of filing in this judicial district, in weighing whether or not these cases should be transferred to the Southern District of Florida. No personal appearance is necessary to respond to this Order to Show Cause. If Plaintiff does not respond to this Order to Show Cause by November 26, 2025, the Court will transfer this case to the Southern District of Florida under 28 U.S.C. § 1404(a). The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order to Show Cause would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962). SO ORDERED. (Signed by Magistrate Judge Ona T. Wang on 11/7/2025) (tg) (Entered: 11/10/2025)
11/10/2025	25	NOTICE OF BANKRUPTCY FILING AND REQUEST FOR PROTECTIVE OVERSIGHT. Document filed by Mario Mirabal. (vfr) (Entered: 11/10/2025)
11/10/2025	26	NOTICE OF UNEXECUTED MARSHAL SERVICE AND SUPPLEMENT TO MOTION FOR PRELIMINARY INJUNCTION. Document filed by Mario Mirabal. (vfr) (Entered: 11/10/2025)
11/10/2025	27	SUPPLEMENTAL NOTICE OF PROCEDURAL CONFLICT AND RELATED JUDICIAL ASSIGNMENT IN PARALLEL BANKRUPTCY PROCEEDING. Document filed by Mario Mirabal. (vfr) (Entered: 11/10/2025)
11/10/2025	28	PLAINTIFF'S SUPPLEMENT TO MOTION FOR PRELIMINARY INJUNCTION AND NOTICE OF CONTINUED STATE-COURT ENFORCEMENT ACTIVITY. Document filed by Mario Mirabal. (jjc) (Entered: 11/13/2025)
11/12/2025	29	PLAINTIFF'S CONSOLIDATED RESPONSE TO ORDER TO SHOW CAUSE re: 24 Order to Show Cause. Document filed by Mario Mirabal. (jjc) (Entered: 11/18/2025)
12/09/2025	30	PLAINTIFF'S NOTICE OF CONTINUED JUDICIAL CONFLICT IN PARALLEL BANKRUPTCY PROCEEDINGS AND RISK OF INTERFERENCE WITH FEDERAL JURISDICTION. Document filed by Mario Mirabal. (vfr) (Entered: 12/10/2025)
12/17/2025	31	TRANSFER ORDER: Under Section 1404(a), transfer is appropriate in this case. The Southern District of Florida is a more convenient forum for this action. Accordingly, the

		Court transfers this action to the United States District Court for the Southern District of Florida. 28 U.S.C. § 1404(a); see D.H. Blair & Co. v. Gottdiener, 462 F.3d 95, 106 (2d Cir. 2006) ("District courts have broad discretion in making determinations of convenience under Section 1404(a) and notions of convenience and fairness are considered on a case-by-case basis."). The Clerk of Court is directed to transfer these related actions to the United States District Court for the Southern District of Florida. Whether Plaintiff should be permitted to proceed further without prepayment of fees is a determination to be made by the transferee court. A summons shall not issue from this Court. The Court certifies, pursuant to 28 U.S.C § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962). SO ORDERED. (Signed by Magistrate Judge Ona T. Wang on 12/17/2025) (ks) Transmission to Office of the Clerk of Court for processing. (Entered: 12/17/2025)
12/17/2025		CASE TRANSFERRED OUT ELECTRONICALLY from the U.S.D.C. Southern District of New York to the United States District Court - District of Southern District of Florida. (rro) (Entered: 12/29/2025)
12/18/2025	32	PLAINTIFF'S EMERGENCY MOTION TO STAY TRANSFER PENDING RESOLUTION OF RULE 72(a) OBJECTIONS. Document filed by Mario Mirabal. (jjc) (Entered: 12/18/2025)
12/18/2025	33	PLAINTIFF'S OBJECTIONS TO MAGISTRATE JUDGE WANG'S TRANSFER ORDER PURSUANT TO FED. R. CIV. P. 72(a) re: 31 Order. Document filed by Mario Mirabal. (tp) (Entered: 12/18/2025)
12/18/2025	35	LETTER addressed to Judge Lewis J. Liman from Mario Mirabal dated 12/18/2025 re: Supplemental Summary Memorandum Regarding December 17, 2025 Transfer Order. Document filed by Mario Mirabal. (jjc) (Entered: 12/19/2025)
12/19/2025	34	MEMORANDUM AND ORDER: Finally, the weight accorded to Plaintiff's choice of forum was minimal because the Southern District of New York has no meaningful connection to the case and neither questions of trial efficiency nor the interests of justice favored New York. Id. at 1011. Plaintiff has not identified any error in Judge Wang's analysis. The court recognized that Plaintiff asserted violations of federal law and did not seek appellate review of a state foreclosure judgment, Dkt. No. 21 at 2, and that Plaintiff raised issues with respect to a New York-governed Pooling and Serving Agreement, id. at 5. It just properly did not give those facts the weight or significance which Plaintiff ascribes to them. The Court has analyzed each of Plaintiff's arguments and finds them to be without merit. SO ORDERED. (Signed by Judge Lewis J. Liman on 12/19/2025) (ks) (Entered: 12/19/2025)
12/19/2025	36	PLAINTIFF'S RULE 60(b) MOTION TO VACATE TRANSFER ORDER AND REQUEST FOR STAY PENDING JUDICIAL REVIEW. Document filed by Mario Mirabal. (ar) (Entered: 12/22/2025)
12/20/2025	37	PLAINTIFF'S SUPPLEMENTAL MOTION IN SUPPORT OF RULE 60(b) TO REQUIRE JUDICIAL REVIEW OF ADVANCED COMPUTATIONAL FORENSIC ANALYSIS. Document filed by Mario Mirabal. (tp) (Entered: 12/23/2025)
12/21/2025	38	PLAINTIFF'S SUPPLEMENTAL PROPOSAL TO NARROW DEFENDANTS AND CURE VENUE BASIS. Document filed by Mario Mirabal. (jjc) (Entered: 12/23/2025)
12/24/2025	39	PLAINTIFF'S EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND INJUNCTIVE RELIEF UNDER RULE 65(b), IN LIGHT OF ONGOING VIOLATIONS BY STATE COURT. Document filed by Mario Mirabal..(kgo) (Refer to ECF Rule 13.19(b) and (c) for directions regarding promptly alerting the court to this filing.

		) (Entered: 12/29/2025)
12/24/2025	40	NOTICE OF FILING UNDER SEAL IN SUPPORT OF RULE 60(b) MOTION AND EMERGENCY TRO REQUEST. Document filed by Mario Mirabal. (jjc) (Entered: 01/02/2026)
12/29/2025		Received e-mail from the United States District Court - Southern District of Florida acknowledging receipt of transferred case. Assigned Case Number: 1:25-cv-26115, filed on 12/29/2025. (vba) (Entered: 12/29/2025)
01/04/2026	41	MOTION TO REOPEN JURISDICTION AND ADJUDICATE RULE 60(b) MOTION AND EMERGENCY TRO REQUEST; OR, IN THE ALTERNATIVE, TO CERTIFY UNDER RULE 62.1 Document filed by Mario Mirabal. (ar) (Refer to ECF Rule 13.19(b) and (c) for directions regarding promptly alerting the court to this filing.) (Entered: 01/05/2026)
01/06/2026	42	LETTER addressed to Judge Lewis J. Liman and Judge Wang from Mario Mirabal dated 1/6/2026 re: filing of MOTION TO REOPEN JURISDICTION AND ADJUDICATE RULE 60(b) MOTION AND EMERGENCY TRO REQUEST. Document filed by Mario Mirabal.(laq) (Entered: 01/07/2026)
02/05/2026	43	NOTICE OF SUPPLEMENTAL DEVELOPMENTS AND REQUEST FOR CLARIFICATION OF COURT'S INTENT REGARDING ADJUDICATION. Document filed by Mario Mirabal. (sgz) (Entered: 02/05/2026)